



General Assembly

February Session, 2012

Amendment

LCO No. 5244

HB0549105244SD0

Offered by:

SEN. COLEMAN, 2nd Dist.

To: House Bill No. 5491

File No. 320

Cal. No. 419

**"AN ACT CONCERNING ADDENDUMS TO CONTRACTS
BETWEEN THE STATE AND ANY MUNICIPALITY IN WHICH A
CORRECTIONAL FACILITY IS LOCATED."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 21a-267 of the 2012 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2012*):

6 (a) No person shall use or possess with intent to use drug
7 paraphernalia, as defined in subdivision (20) of section 21a-240, to
8 plant, propagate, cultivate, grow, harvest, manufacture, compound,
9 convert, produce, process, prepare, test, analyze, pack, repack, store,
10 contain or conceal, or to ingest, inhale or otherwise introduce into the
11 human body, any controlled substance, as defined in subdivision (9) of
12 section 21a-240, other than a cannabis-type substance in a quantity of
13 less than one-half ounce. Any person who violates any provision of
14 this subsection shall be guilty of a class C misdemeanor.

15 (b) No person shall deliver, possess with intent to deliver or
16 manufacture with intent to deliver drug paraphernalia knowing, or
17 under circumstances where one reasonably should know, that it will
18 be used to plant, propagate, cultivate, grow, harvest, manufacture,
19 compound, convert, produce, process, prepare, test, analyze, pack,
20 repack, store, contain or conceal, or to ingest, inhale or otherwise
21 introduce into the human body, any controlled substance, other than a
22 cannabis-type substance in a quantity of less than one-half ounce. Any
23 person who violates any provision of this subsection shall be guilty of
24 a class A misdemeanor.

25 (c) Any person who violates subsection (a) or (b) of this section in or
26 on, or within one thousand five hundred feet of, the real property
27 comprising a public or private elementary or secondary school during
28 regular school hours or the hours of any school-sponsored activity
29 conducted on such property where students are present and who is
30 not enrolled as a student in such school shall be imprisoned for a term
31 of one year, which shall not be suspended and shall be in addition and
32 consecutive to any term of imprisonment imposed for violation of
33 subsection (a) or (b) of this section.

34 (d) No person shall (1) use or possess with intent to use drug
35 paraphernalia to plant, propagate, cultivate, grow, harvest,
36 manufacture, compound, convert, produce, process, prepare, test,
37 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or
38 otherwise introduce into the human body, less than one-half ounce of a
39 cannabis-type substance, or (2) deliver, possess with intent to deliver
40 or manufacture with intent to deliver drug paraphernalia knowing, or
41 under circumstances where one reasonably should know, that it will
42 be used to plant, propagate, cultivate, grow, harvest, manufacture,
43 compound, convert, produce, process, prepare, test, analyze, pack,
44 repack, store, contain or conceal, or to ingest, inhale or otherwise
45 introduce into the human body, less than one-half ounce of a cannabis-
46 type substance. Any person who violates any provision of this
47 subsection shall have committed an infraction.

48 (e) The provisions of subsection (a) of this section shall not apply to
49 any person (1) who in good faith, seeks medical assistance for another
50 person who such person reasonably believes is experiencing an
51 overdose from the ingestion, inhalation or injection of intoxicating
52 liquor or any drug or substance, (2) for whom another person, in good
53 faith, seeks medical assistance, reasonably believing such person is
54 experiencing an overdose from the ingestion, inhalation or injection of
55 intoxicating liquor or any drug or substance, or (3) who reasonably
56 believes he or she is experiencing an overdose from the ingestion,
57 inhalation or injection of intoxicating liquor or any drug or substance
58 and, in good faith, seeks medical assistance for himself or herself, if
59 evidence of the use or possession of drug paraphernalia in violation of
60 said subsection was obtained as a result of the seeking of such medical
61 assistance. For the purposes of this subsection, "good faith" does not
62 include seeking medical assistance during the course of the execution
63 of an arrest warrant or search warrant or a lawful search.

64 Sec. 2. Section 21a-278a of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective October 1, 2012*):

66 (a) Any person eighteen years of age or older who violates section
67 21a-277 or 21a-278, and who is not, at the time of such action, a drug-
68 dependent person, by distributing, selling, prescribing, dispensing,
69 offering, giving or administering any controlled substance to another
70 person who is under eighteen years of age and is at least two years
71 younger than such person who is in violation of section 21a-277 or 21a-
72 278, shall be imprisoned for a term of two years, which shall not be
73 suspended and shall be in addition and consecutive to any term of
74 imprisonment imposed for violation of section 21a-277 or 21a-278.

75 (b) Any person who violates section 21a-277 or 21a-278 by
76 manufacturing, distributing, selling, prescribing, dispensing,
77 compounding, transporting with the intent to sell or dispense,
78 possessing with the intent to sell or dispense, offering, giving or
79 administering to another person any controlled substance in or on, or
80 within one thousand five hundred feet of, the real property comprising

81 (1) a public or private elementary or secondary school [,] during
82 regular school hours or the hours of any school-sponsored activity
83 conducted on such property where students are present, (2) a public
84 housing project, or (3) a licensed child day care center, as defined in
85 section 19a-77, that is identified as a child day care center by a sign
86 posted in a conspicuous place, shall be imprisoned for a term of three
87 years, which shall not be suspended and shall be in addition and
88 consecutive to any term of imprisonment imposed for violation of
89 section 21a-277 or 21a-278. To constitute a violation of this subsection,
90 an act of transporting or possessing a controlled substance shall be
91 with intent to sell or dispense in or on, or within one thousand five
92 hundred feet of, the real property comprising (A) a public or private
93 elementary or secondary school [,] during regular school hours or the
94 hours of any school-sponsored activity conducted on such property
95 where students are present, (B) a public housing project, or (C) a
96 licensed child day care center, as defined in section 19a-77, that is
97 identified as a child day care center by a sign posted in a conspicuous
98 place. For the purposes of this subsection, "public housing project"
99 means dwelling accommodations operated as a state or federally
100 subsidized multifamily housing project by a housing authority,
101 nonprofit corporation or municipal developer, as defined in section 8-
102 39, pursuant to chapter 128 or by the Connecticut Housing Authority
103 pursuant to chapter 129.

104 (c) Any person who employs, hires, uses, persuades, induces,
105 entices or coerces a person under eighteen years of age to violate
106 section 21a-277 or 21a-278 shall be imprisoned for a term of three
107 years, which shall not be suspended and shall be in addition and
108 consecutive to any term of imprisonment imposed for violation of
109 section 21a-277 or 21a-278.

110 Sec. 3. Section 21a-279 of the 2012 supplement to the general statutes
111 is repealed and the following is substituted in lieu thereof (*Effective*
112 *October 1, 2012*):

113 (a) Any person who possesses or has under his control any quantity

114 of any narcotic substance, except as authorized in this chapter, for a
115 first offense, may be imprisoned not more than seven years or be fined
116 not more than fifty thousand dollars, or be both fined and imprisoned;
117 and for a second offense, may be imprisoned not more than fifteen
118 years or be fined not more than one hundred thousand dollars, or be
119 both fined and imprisoned; and for any subsequent offense, may be
120 imprisoned not more than twenty-five years or be fined not more than
121 two hundred fifty thousand dollars, or be both fined and imprisoned.

122 (b) Any person who possesses or has under his control any quantity
123 of a hallucinogenic substance other than marijuana or four ounces or
124 more of a cannabis-type substance, except as authorized in this
125 chapter, for a first offense, may be imprisoned not more than five years
126 or be fined not more than two thousand dollars or be both fined and
127 imprisoned, and for a subsequent offense may be imprisoned not more
128 than ten years or be fined not more than five thousand dollars or be
129 both fined and imprisoned.

130 (c) Any person who possesses or has under his control any quantity
131 of any controlled substance other than a narcotic substance, or a
132 hallucinogenic substance other than marijuana or who possesses or has
133 under his control one-half ounce or more but less than four ounces of a
134 cannabis-type substance, except as authorized in this chapter, (1) for a
135 first offense, may be fined not more than one thousand dollars or be
136 imprisoned not more than one year, or be both fined and imprisoned;
137 and (2) for a subsequent offense, may be fined not more than three
138 thousand dollars or be imprisoned not more than five years, or be both
139 fined and imprisoned.

140 (d) Any person who violates subsection (a), (b) or (c) of this section
141 in or on, or within one thousand five hundred feet of, the real property
142 comprising (1) a public or private elementary or secondary school
143 during regular school hours or the hours of any school-sponsored
144 activity conducted on such property where students are present and
145 who is not enrolled as a student in such school, or (2) a licensed child
146 day care center, as defined in section 19a-77, that is identified as a child

147 day care center by a sign posted in a conspicuous place, shall be
148 imprisoned for a term of two years, which shall not be suspended and
149 shall be in addition and consecutive to any term of imprisonment
150 imposed for violation of subsection (a), (b) or (c) of this section.

151 (e) As an alternative to the sentences specified in subsections (a) and
152 (b) and specified for a subsequent offense under subsection (c) of this
153 section, the court may sentence the person to the custody of the
154 Commissioner of Correction for an indeterminate term not to exceed
155 three years or the maximum term specified for the offense, whichever
156 is the lesser, and at any time within such indeterminate term and
157 without regard to any other provision of law regarding minimum term
158 of confinement, the Commissioner of Correction may release the
159 convicted person so sentenced subject to such conditions as he may
160 impose including, but not limited to, supervision by suitable authority.
161 At any time during such indeterminate term, the Commissioner of
162 Correction may revoke any such conditional release in his discretion
163 for violation of the conditions imposed and return the convicted
164 person to a correctional institution.

165 (f) To the extent that it is possible, medical treatment rather than
166 criminal sanctions shall be afforded individuals who breathe, inhale,
167 sniff or drink the volatile substances defined in subdivision (49) of
168 section 21a-240.

169 (g) The provisions of subsections (a) to (c), inclusive, of this section
170 shall not apply to any person (1) who in good faith, seeks medical
171 assistance for another person who such person reasonably believes is
172 experiencing an overdose from the ingestion, inhalation or injection of
173 intoxicating liquor or any drug or substance, (2) for whom another
174 person, in good faith, seeks medical assistance, reasonably believing
175 such person is experiencing an overdose from the ingestion, inhalation
176 or injection of intoxicating liquor or any drug or substance, or (3) who
177 reasonably believes he or she is experiencing an overdose from the
178 ingestion, inhalation or injection of intoxicating liquor or any drug or
179 substance and, in good faith, seeks medical assistance for himself or

180 herself, if evidence of the possession or control of a controlled
181 substance in violation of subsection (a), (b) or (c) of this section was
182 obtained as a result of the seeking of such medical assistance. For the
183 purposes of this subsection, "good faith" does not include seeking
184 medical assistance during the course of the execution of an arrest
185 warrant or search warrant or a lawful search."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2012</i>	21a-267
Sec. 2	<i>October 1, 2012</i>	21a-278a
Sec. 3	<i>October 1, 2012</i>	21a-279